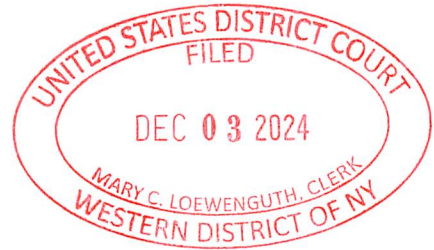


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



MICHAEL ROBINSON,

Plaintiff,

v.

23-CV-347 (JLS) (LGF)

JIM JR., TAMMY TOUT, ERIC
PIECZYNSKI,

Defendants.

DECISION AND ORDER

Plaintiff Michael Robinson commenced this case in April 2023, seeking relief against Defendants Jim Jr., Tammy Tout, and Eric Pieczynski under Title VII of the Civil Rights Act of 1964 for alleged race-based discrimination in the course of Plaintiff's employment. *See generally* Dkt. 1.

Defendants moved to dismiss the complaint. Dkt. 8. Plaintiff responded (Dkt. 12), and Defendants replied (Dkt. 13). On October 24, 2024, United States Magistrate Judge Leslie G. Foschio issued a Report and Recommendation ("R&R"),¹ recommending that this Court grant Defendants' motion to dismiss, without leave to amend. Dkt. 15.

¹ On August 16, 2024, this Court referred the case to Judge Foschio for all pretrial matters, pursuant to 28 U.S.C. §§ 636(b)(1)(A)–(C). Dkt. 10.

Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge Foschio's R&R. Based on that review, and absent any objections, the Court accepts and adopts the R&R.

CONCLUSION

For the reasons stated above and in the R&R, the Court grants Defendants' motion to dismiss (Dkt. 8), without leave to amend. The Clerk of Court shall close this case.

SO ORDERED.

Dated: December 3, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE